HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 1550 OF 2003

Petitioners :1. Laxmi Prasad Soni, S/o Shri Dukha Ram Soni, Aged about 31 years, R/o Tifra, Bilaspur, District Bilaspur (C.G.).

2. Shivdutt Koushik, S/o Shri Panchcand Koushik, Aged about 44 years, R/o Purana Sarkanda, Lodhipara, Bilaspur, District Bilaspur (C.G.).

3. Bodhiram Bhoi, S/o Shri Dashrath Bhoi, Aged about 32 years, R/o Village-Janji, Tahsil-Seepat, District Bilaspur (C.G.).

Versus

Respondents :1. State of Chhattisgarh, Through: The Secretary, Public Works Department, D.K.S. Bhawan, Raipur (C.G.).

2. The Chief Engineer, Public Works Department, Bilaspur Region, Bilaspur (C.G.).

3. The Executive Engineer, Public Works Department, Bilaspur (C.G.).

4. The Executive Engineer, Public Works Department, Korba (C.G.).

Present: Shri R.M. Pandey, counsel for the petitioners.
Shri Sandeep Dubey, Deputy Govt. Advocate for the respondents.

ORAL ORDER

(2nd January, 2006)

Heard.

1. Learned counsel for the petitioners submits that the petitioners were appointed as daily wages labourers on 26.3.1992, 26.6.1992 and 26.3.1992 respectively in the Public Works Department of the erstwhile State of Madhya Pradesh. Services of the petitioners were discontinued by order dated 17.1.2000 (Annexure P-1) issued by the Executive Engineer, Public Works Department, Korba, Division Korba.

2. The petitioners have filed this petition on 14.3.2003 praying that the respondents be directed to reinstate the petitioner in service with back wages. Each petitioners have been paid one month salary in lieu of notice, retrenchment allowance and gratuity in total Rs. 15819/-. Services of the petitioners were discontinued in view of the policy decision of the State Government, whereby all the daily wages labourers appointed after 31.12.1988, were removed from the service. The petitioners have not acquired any right to the service as they have been working on daily wages. Services of the petitioners were discontinued on the ground that they were no longer required in the department as per policy of the State Government.

3. Learned counsel for the petitioners submits that several other daily wages labourers are still working, who have been appointed after 31.12.1988. On perusal of the Annexure P-8, it appears that service of the petitioners have been discontinued after appropriate scrutiny by the committee. Accordingly, they were paid one month's pay, retrenchment allowance and gratuity.

4. I have heard learned counsel for the parties and perused papers appended to the petition. It is clearly established that the petitioners were not appointed against any substantive vacancy. Petitioners have not acquired any right to be appointed in the services as daily wages labourers, as their services have been discontinued in view of the government policy decision as they are no longer required.

5. However, in the facts and circumstances the case, the respondents are directed to consider the case of the petitioners for appointment on daily wages labourers on seniority and priority basis, if their services are required.

6. For the reasons stated above, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu